

The Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ANDRADE,

Defendant.

NO. CR19-090-RSM

**PRELIMINARY  
ORDER OF FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Entry of a Preliminary Order of Forfeiture seeking to forfeit to the United States Defendant Jose Andrade's interest in the following property:

- One multi-use RF bug detector, seized on or about April 28, 2019 in Sumas, Washington.

The Court, having reviewed the papers and pleadings filed in this matter, hereby FINDS that entry of a Preliminary Order of Forfeiture is appropriate for the following reasons:

- On May 9, 2019, the Defendant was charged by an Indictment that provided notice that, pursuant to 21 U.S.C. § 853(a), the United States was seeking the

forfeiture of any proceeds of, and/or property used to facilitate, the offense set forth in Count 1 of the Indictment, (Dkt. No. 13);

- The Defendant agreed, pursuant to the Plea Agreement he entered on July 18, 2019, to forfeit his interest in the above-identified property, (Dkt. No. 29, ¶ 5); and
- The evidence in the record has established the requisite nexus between the above-identified property and the offense of conviction, pursuant to Federal Rule of Criminal Procedure (“Fed. R. Crim. P.”) 32.2(b)(1)(A)-(B).

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 21 U.S.C. § 853(a), the Defendant’s interest in the above-identified property is fully and finally forfeited, in its entirety, to the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will become final as to the Defendant at the time the Defendant is sentenced, it will be made part of the sentence, and it will be included in the judgment;

3) The United States Department of Homeland Security, the United States Customs and Border Protection, and/or their authorized agents or representatives, shall maintain the above-identified property in their custody and control until further order of this Court;

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the United States shall publish notice of this Preliminary Order and the United States’ intent to dispose of the property as permitted by governing law. The notice shall be posted on an official government website—[www.forfeiture.gov](http://www.forfeiture.gov)—for at least 30 days. For any person known to have alleged an interest in the property, the United States shall also, to the extent possible, provide direct written notice to that person. The notice shall state that any person, other than the Defendant, who has or claims a legal interest in the above-identified property must file a petition with the Court within 60 days of the first day of publication of the notice (which is 30 days from the last day of publication), or within 30

1 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
2 interested persons that the petition:

3 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged  
4 interest in the property;

5 b. shall be signed by the petitioner under penalty of perjury; and

6 c. shall set forth the nature and extent of the petitioner's right, title, or interest  
7 in the property, as well as any facts supporting the petitioner's claim and  
8 the specific relief sought;

9 5) If no third-party petition is filed within the allowable time period, the  
10 United States shall have clear title to the property, and this Preliminary Order shall  
11 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

12 6) If a third-party petition is filed, upon a showing that discovery is necessary  
13 to resolve factual issues presented by that petition, discovery may be conducted in  
14 accordance with the Federal Rules of Civil Procedure before any hearing is conducted on  
15 the petition. Following adjudication of any third-party petitions, the Court will enter a  
16 Final Order of Forfeiture, pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n),  
17 reflecting that adjudication; and

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